

News of the Day.

Montgomery, the monitor
Cruiser, shot and killed a man named Sere
at Cape Sable.

The Legislature of Louisiana has approved
the bill for the benefit of disabled
Federal and Confederate soldiers.

John Thomas Corwin is lying in Wash-
ington very low from the effects of a stroke
of paralysis, and is not expected to re-
cover.

Signor Rovere, the well-known buffo
comedian, of the Metropolitan opera house,
died suddenly in New York on Wednesday,
of disease of the throat.

Official notice has been received at the
State Department of the ratification of the
Constitutional Amendment by Georgia, Ala-
bama and Indiana.

Brigadier General Eaton has resigned his
commission for the purpose of establish-
ing a paper at Memphis, which will be
thoroughly loyal in tone.

The Washington city officials are grow-
ing very uneasy and angry over the pro-
posed extension of suffrage to the
colored citizens of the District.

General Sherman, commanding at At-
lanta, has issued an order allowing the citi-
zens to carry arms for personal protection.
This action was rendered necessary by the
great prevalence of lawlessness at that
place.

Wm. A. Barstow, of Waukesha,
Wisconsin, ex-Governor of Wisconsin, and
late Colonel of the Third Wisconsin cav-
alry, a regiment which he organized in
1861, and led to the field, died at Leaven-
worth, Kansas, on the 13th, of chronic dis-
ease, contracted while in the service.

Hon. W. H. Hooper, delegate to Congress
from Utah Territory, is on his way to Wash-
ington city, as a delegate to the House, and
will ask the passage of a law to enable
the formation of a State constitution which
shall be republican in its provisions, and
will secure the admission of Utah as a
State into the Union.

Mr. E. M. Bruce, now a merchant in Au-
gusta, Ga., publishes a card in the Consti-
tutionalist, of that city, denying the state-
ment made a few days since that he had
donated \$100,000 to Breckinridge, and says
that General Breckinridge is not living
comfortably in Canada, and is not in need
of such a gift.

The British commander in Jamaica, at
last advice, had issued an address in
which he recited the manner in which the
Seymour rebels were disposed of—namely,
shot from the mouths of cannon and judi-
ciously slaughtered—and warns the
people that they will be treated in like
manner if they are not submissive. Could
anything be more cold-blooded?

A letter from Millersville to the Macon
Journal says "that distinguished Georgian,
A. H. Stephens, is here, to-day, by his wis-
dom and prudent counsel, this legislative
body to replace Georgia among the sister-
hood, and elevate her to her original posi-
tion. His very words of this class in a
man from Rodrick's horn—worth a thousand
men." His health is bad, and he looks more
like a dead man than a live one."

Mr. G. BEAUREGARD has issued another
proclamation, not exactly in the famous
"Beauty and Booty" style, but as near to
it as the change of circumstances will per-
mit. "At one time," says G. P. T. B., "in
order to escape the hatred of Northern fan-
atics, I thought of seeking a refuge in
Brazil, but the generous sentiments ex-
pressed by President Johnson toward the
Southern States have persuaded me to re-
main in Louisiana." The New York Tri-
bune says we are not sure, but we think
President Johnson would suspend his gen-
erous sentiments long enough to allow this
foolish bragging to complete his meditated
exit. We are not in favor of colonization
or expatriation on any considerable scale,
for the South needs workers, but the Beau-
regard Bourbons will never work, will
never do anything but blow the expiring
embers of that discord they helped kindle,
and the sooner they go the better for this
country. We have no special ill-will to
Brazil, but if Mr. Beauregard should like
to go there, we will contribute something
toward furnishing him a free passage.

SLAVERY AND SECESSION.—In a long ar-
ticle upon the present situation of affairs be-
tween the North and the South, the Rich-
mond (Va.) Examiner thus ridicules the
idea of future fraternity between the two
sections, and shows that slavery and seces-
sion both "still live!"

Say nothing more about it, and be good
friends, as if our bloody debate had been a
surgery quarrel, and Abel could get up to
shake hands with Cain, and the South
many more of the same kind, the South
will persistently refuse to do. Slavery is
dead, but the principle on which slavery
rested—the color of the skin, the hue of
nature—is not dead. Secession is dead—but
how far secession was an instrument
for asserting a principle, how far it was the
principle itself, in the minds of the South-
ern people is a question which may admit
of discussion.

The Florida Election.—The Savannah
Herald learns from a gen-
tleman, who arrived in this city from Flori-
da, that the elections which occurred in
that State last week were attended with
more than the usual excitement incident
to such occasions, and in some localities
so high as to culminate in breaches of the
public peace.

At Lake City, particularly, the contest
became so heated that the friends of one
of the contestants for office were on the eve
of a desperate collision, and a violent
struggle was going on between the friends
of the two candidates, and the result was
that the colored troops were ordered to
their places. The removal of the garrison
at Lake City will relieve Florida from negro
soldiers, which is a matter of congratula-
tion to the people of Florida. Their pres-
ence is prejudicial to the best interests of
society, and no man is safe either in person
or property as long as they remain in our
midst.

The following is believed to be the result
of the election in Florida:
Hon. D. S. Walker, late Associate Justice
of the Supreme Court, is elected Governor
without opposition.

Major Kelly, of Pensacola, is supposed
to be the successful candidate for Lieuten-
ant Governor.

Colonel F. McLeod, a prominent lawyer,
of East Florida, has been elected to Con-
gress.

The election of Governor Marvin, as one
of the United States Senators, is generally
conceded, but the public mind had not
fixed itself definitely upon his candidacy.

The following item of news is going
the rounds:
The one-armed guerrilla, Berry, captured
on Saturday at Louisville, near Bloomfield,
Ky., was hanged on Monday.

TENNESSEE DELEGATION.

The prompt adoption by the House,
on assembling, of the resolution referring the
whole subject of the admission of Southern
representatives to a committee, which ex-
cluded all applicants for seats from the
late rebellious States until that commit-
tee had reported, seemed to indicate pretty
strongly that there was little chance of the
admission soon of those Southern repre-
sentatives even against whom no objection
could be urged on the ground of personal
disloyalty. This decision of the House, how-
ever, has been modified somewhat since.
The resolution, it will be remembered, was
for the appointment of a joint committee of
fifteen. In the Senate that portion of it which
closed the doors of Congress on Southern
applicants until after the committee would
make its report, was stricken out. On the
same day the House adopted a resolution
granting the privilege of the floor of the
House to the gentlemen claiming seats from
Tennessee.

If the Tennessee representatives be ad-
mitted at an early day, and there now
seems to be a strong probability that they
will be, their admission will be due more
to the character of the men whom the peo-
ple of that State elected to represent them
than to anything else. Tennessee is the
only one of the late rebellious States that
elected men to represent them in Congress
who can, without exception, take the test
oath. This fact will undoubtedly have
great weight in the final decision of their
case in the House. And then the well-
known Unionism of Horace Maynard, Wm.
B. Stokes and N. G. Taylor, of the delega-
tion from that State, appeals strongly for
their early admission.

That the people of other Southern States
made a great mistake in electing men as
representatives who could not take the test
oath, which they knew would be required of
their representatives before being admitted
to seats in Congress, they must now begin
to see themselves. The favorable position
in which Tennessee has been placed by the
fact that she has sent to Washington repre-
sentatives whom the test oath will not de-
bar from taking their seats, and who were
not elected in defiance of this oath, shows
how much the chances of those States be-
ing restored to their place in the Union
depend on the fact that they send men
who would have facilitated the work of res-
toration, if they had sent loyal men as
representatives in Congress, to Washington.

The people of the South had no right to
count, if they did not act in a spirit of de-
fiance to Congress, upon the repeal of this
test oath. This oath was taken by the mem-
bers of the last Congress, and it was not at
all likely that it would be removed for the
purpose of allowing men to be admitted as
members of that body who were so recently
engaged in an effort to destroy the Govern-
ment. Congress had a right to say that
men who had attained a "bad eminence"
in the rebellion against the Government
would not be admitted to seats in that body.
The Southern people, however, thought
by choosing men of this class in a last
effort to escape the test oath, that they
could take the oath or who did not take
a prominent part in the rebellion—this
making distinguished service in the
rebellion against the Government a
test of fitness for Representative in Congress.
It is urged by Southern papers, that men
who have taken the test oath would have
been to go through a mere form.
With the downfall of the rebellion
the people of the South might not unrea-
sonably be expected to part with the leaders
in it, at least so far as not to place them
forward as their representative men in the
affairs of the nation. Jeff. Davis might be
elected from Mississippi to the U. S. Senate,
but it is not probable that he would be ad-
mitted as a member of that body, though he
represent the unanimous will of the people
of that State. It is against the influence
and spirit of the rebellion, and the principles
involved in it, that such stringent legis-
lation as the test oath is directed.

Important Decision by Judge Ballard.
Judge Ballard, during the session
of the United States Circuit Court for the
District of Kentucky, in Covington, Fri-
day, delivered the following important de-
cision, upon the application of Henry
Bishop for a writ of habeas corpus.

The grounds stated in the petition are
sufficiently set out in the judgment of the
Court.

The subject demands the immediate at-
tention of Congress. If the jurisdiction of
the United States Courts is not extended so
as to cover cases of confinement, the joint
resolution of Congress conferring freedom
upon colored soldiers, their wives and
children, will be a nullity and the Consti-
tutional Amendment but little better.

Captain Charles P. Oyer, as a friend of
the freedmen and their families, is looking
after this matter in Kentucky, and will see
that this subject is laid before Congress at
once.

The following is the judgment of Judge
Ballard:

Ex parte, Bishop on petition.
The petitioner, Henry Bishop, states that
he is a free colored man, and that he and
the United States in the 11th regiment of
United States Colored Infantry; that, after
serving faithfully, he was honorably dis-
charged, and that he was in said service,
he was, and still is, the husband of Rachel
Bishop, and the father of George Bishop,
Wm. A. Bishop and John Bishop, who are
also colored men, and that he and his wife
and children are illegally restrained of
their liberty, and forcibly held as slaves by
Aaron Yerger.

The petition, after setting forth that
of his children, by the same wife are de-
tained for similar reasons, prays that a writ
of habeas corpus be granted to him, command-
ing, etc.

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ys, United States, 7th Peters 616, and Cary
vs. Curtis, 3d Howard 245.

There are but three acts of Congress
under which the Federal Courts have juris-
diction to issue writs of habeas corpus. The
first is the act of 24th September,
1789, which, after granting the authori-
ty in general terms, limits it by providing
"that writs of habeas corpus shall in no case
extend to prisoners in jail, unless they are
in custody under, or by color of authority
of the United States, or are committed for
trial before some court of the same, or are
necessary to be brought into court to tes-
tify."

The prisoners in this case are not in cus-
tody under or by color of authority of the
United States, but they are detained and
held solely under or by color of the authori-
ty of the State of Kentucky. So far from
being held under authority of the United
States, they are, if the joint resolution of
Congress be constitutional, held in defiance
of it. It is clear that the petitioner cannot
invoke this statute to his aid.

The second act is that of March 2, 1853,
which provides that the Justices of the
Supreme Court, or Judge of any District
Court of the United States, in addition to
the authority already conferred by law,
shall have power to grant writs of habeas
corpus in cases of prisoners committed to
jail or confinement, where he or they shall
be committed, or confined, on, or by
authority of the United States, or shall be
committed to be done in pursuance of a
law of the United States, or any order,
process, etc. They are claimed and held
under the laws of Kentucky, or by arbi-
trary force if there be no laws which au-
thorize them to be held. I say if there be
no laws which authorize them to be held,
for if there be, the question is not whether
they are committed, or confined, on, or by
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